

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ONE STOCKDUQ HOLDINGS, LLC,

Plaintiff,

vs.

NO. 2:12-cv-03037-JPM-tmp

BECTON, DICKINSON AND COMPANY,

Defendant.

MOTION TO TRANSFER ACTION PURSUANT TO 28 U.S.C. § 1404(a)

Defendant Becton, Dickinson and Company (“Defendant” or “BD”) respectfully moves to transfer this action to the United States District Court for the District of Utah pursuant to 28 U.S.C. § 1404(a) for convenience of the parties and witnesses and in the interest of justice.

As set forth in full in Defendant’s accompanying Memorandum of Law in Support this motion, which is incorporated herein by reference, Plaintiff One StockDuq, L.L.C. (“Plaintiff”) alleges that two BD products infringe United States Patent No. 5,704,914 (“914 Patent”). However, neither the parties nor the accused products have any meaningful tie to Tennessee. The accused products were conceived, designed, and developed in Utah. The current BD employees most knowledgeable about the accused products are located in Utah, as are several knowledgeable former employees. To the extent the accused products are manufactured in the United States, they are manufactured in Utah. The overwhelming majority of BD’s activities regarding the accused products—research and development, manufacturing operations, quality assurance, medical affairs, marketing, and regulatory affairs—occur in Utah. In short, BD’s relevant evidence and witnesses are located in Utah—not in, or even near, Tennessee. Similarly,

Plaintiff does not appear to have any connection to Tennessee, but rather is incorporated and has its principle place of business in Kentucky.

Thus, the interests in favor of transfer strongly outweigh the interests in favor of keeping this action in the Western District of Tennessee. Accordingly, this case should be transferred from this venue to the District of Utah. In accordance with the Local Rules of this Court, Defendant is filing herewith the above-referenced Memorandum of Law along with a Certificate of Consultation, and will submit via email a Proposed Order granting this motion.

Respectfully submitted,

BURCH, PORTER & JOHNSON, PLLC

s/ Douglas F. Halijan

Douglas F. Halijan (BPR # 16718)

Shea B. Oliver (BPR # 29330)

130 North Court Avenue

Memphis, TN 38103

Telephone: (901) 524-5000

Facsimile: (901) 524-5024

Email: dhalijan@bpjlaw.com

Email: soliver@bpjlaw.com

January 23, 2013

Of Counsel

William F. Lee

Wilmer Cutler Pickering Hale and Dorr, LLP

60 State Street

Boston, MA 02109

(617) 526-6000

William G. McElwain

Heath A. Brooks

Wilmer Cutler Pickering Hale and Dorr, LLP

1875 Pennsylvania Avenue, N.W.

Washington, DC 20006

(202) 663-6000

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was forwarded via the Court's electronic filing system to Joel T. Beres, Esq., James R. Michels, Esq., William C. Ferrell, Jr., Esq., Melissa Hunter Smith, Esq., and Kevin P. Hartley, Esq., of Stites & Harbison, PLLC, 401 Commerce Street, Suite 800, Nashville, TN 37219-2376, this 23rd day of January, 2013.

s/ Douglas F. Halijan